

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	MARVIN W. FACTOR	:	Chapter 11
		:	
	Debtor(s)	:	Bky. No. 09-12485 ELF
		:	
	MARVIN W. FACTOR	:	
	KATHLEEN M. FACTOR	:	
		:	
	Plaintiff s	:	
		:	
	v.	:	
		:	Adv. No. 09-0205
	ALLIANCE BANK, et al.	:	
	Defendants	:	
		:	

O R D E R

WHEREAS, the above captioned adversary proceeding was commenced on June 22, 2009 by the filing of a Notice of Removal;

AND, by order dated November 23, 2009, the main bankruptcy case was dismissed;

AND, WHEREAS, generally, the termination of a debtor's main case will result in dismissal of all pending adversary proceedings, see, e.g., In re Smith, 866 F2d 576 (3d Cir. 1989);

AND, in the context of a removed proceeding, remand of the proceeding (rather than dismissal) being the more appropriate disposition;

AND, the court having the legal authority to act sua sponte to remand a removed proceeding pursuant to 28 U.S.C. §1452(b), see Bricker v. Martin, 348 B.R. 28 (W.D. Pa. 2006); Scherer v. Carroll, 150 B.R. 549 (D. Vt. 1993); In re Best Reception Systems, Inc., 220 B.R. 932 (Bankr. E.D. Tenn. 1998);

It is hereby **ORDERED** that the above-captioned proceeding is **REMANDED** to the Court of Common Pleas, Philadelphia County.



Date: November 23, 2009

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE

cc: Marvin W. Factor
Kathleen M. Factor
1013 Clinton Street
Philadelphia, PA 19107